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*Attorneys for Plaintiff Earl Young*

10 IN THE UNITED STATES DISTRICT COURT

11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 SAN FRANCISCO DIVISION

14 **EARL YOUNG,**

15 Plaintiff,

16 v.

17 **T. HOLMES, et al.,**

18 Defendants.

19 C 09-1042 JSW

20 **STIPULATION REGARDING  
PLAINTIFF'S WAIVER OF APPEAL,  
DEFENDANTS' WAIVER OF COSTS,  
THE PARTIES' WAIVER OR  
WITHDRAWAL OF POST-TRIAL  
MOTIONS, DEFENDANTS' RENEWED  
MOTION TO SEAL CONFIDENTIAL  
EXHIBITS; & [PROPOSED ORDER]  
AS MODIFIED HEREIN**

1 Plaintiff Young and Defendants Holmes, Bullock, Buchanan, and Kiplinger (“Parties”),  
2 through their undersigned counsel, stipulate to the following:

3 1. Plaintiff Earl Young waives his rights to (1) appeal the Judgment entered on April  
4 29, 2013 and (2) file post-judgment motions in this case.

5 2. Additionally, Plaintiff agrees to support Defendants’ renewed motion to seal trial  
6 exhibits 10, 108, 133, 134, and 135. These exhibits—namely, diagrams, schematics, layouts, and  
7 a video of Pelican Bay State Prison’s interior—were protected from public disclosure by the  
8 stipulated March 20, 2012 protective order to ensure Defendants’ compelling interest in  
9 maintaining the safety and security of the institution, inmates and correctional staff. (ECF No.  
10 112.)

11 3. Defendants agree to file a renewed motion to seal trial exhibits 10, 108, 133, 134,  
12 and 135 within thirty-days of the Court’s order regarding this stipulation.

13 4. In exchange for the above considerations, Defendants waive costs and thus  
14 withdraw their Bill of Costs filed on May 9, 2013 (ECF No. 267).

15 5. Defendants’ Motion for Judgment as A Matter of Law under Federal Rule of Civil  
16 Procedure 50 (ECF No. 250) is moot in view of the Parties’ above stipulations.

17 The parties so stipulate.

1  
2 Dated: June 13, 2013

Respectfully submitted,

3 /S/ BRYAN JIN

4 STEPHEN J. AKERLEY

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9 Respectfully submitted,

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19 *Holmes, Buchanan, Bullock, and Kiplinger*

20 The Court notes that the mere fact that Plaintiff does not oppose sealing of the trial exhibits shall not be  
21 a basis to grant any renewed motion to seal. Any such motion must be supported by legal authority with  
22 respect to Defendants' stated position and should also explain why sealing is appropriate given that the  
23 exhibits were introduced during trial in the course of public proceedings.

24 PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED,  
25 This Order terminates Docket No. 250, Defendants' motion for judgment as a matter of law.

26 Dated: June 17, 2013

27   
28 HON. JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE